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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,573	02/09/2004	Tsutomu Kojima	P21-164404M/ISI	3561
21254 7590 04/19/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			3679	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/773,573	Applicant(s) KOJIMA ET AL.	
	Examiner Joshua T. Kennedy	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,14-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,14-19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

As pointed out by Applicant's Representative during a telephone call on 4/11/2007, the Final Rejection of 4/2/2007 does not treat Claims 25-28 on the merits. This was an oversight by the Examiner. Thus, the Examiner will vacate the Final Rejection of 4/2/2007 and replace with the following Final Rejection. A new shortened statutory period of reply of 3 months will begin on the date of mailing of this action.

Claims 1-5, 8, 9, 14-19, and 21-28 have been examined.

Claims 6-7, 10-13, and 20 have been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether claims 25-28 are drawn to the combination or subcombination. In particular, the preamble of each of the claims 25-28 imply the subcombination of the securing clip while lines 2-6 in the body of the claims positively includes the second panel. For this Office action only, it will be considered that these claims are drawn to the subcombination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 14-19, and 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakker et al (U.S. Patent No. 6,234,835).

As to Claim 1. Bakker et al disclose a securing clip capable of securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

a second fitting portion having a U-character shape (22), wherein:

the securing clip being like an S-character in cross section (Fig. 4); and

each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5), and

wherein a portion of said U-character shape second fitting portion (22), which is common to a portion of said U-character shape first fitting portion forming a middle of said S-character (12), comprises a second engaging pawl (Fig 3; Examiner considers

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the two portions extending downwardly from portion 26 to comprise a second engaging pawl) opposing said first engaging pawl (Fig 4), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 2. Bakker et al disclose the engagement wall (32) existing in bilateral symmetry (Fig. 5).

As to Claims 3 and 4. Bakker et al disclose an engagement face of the engagement wall (32) being inclined with respect to a central axis of the U-character shape of the second fitting portion (Fig. 5).

As to Claim 5. Bakker et al disclose a detachment grip portion (30).

As to Claims 8 and 9. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) being protruded on an inner wall face of the second fitting portion.

As to Claim 14. Bakker et al disclose a securing clip for securing a first panel having a hole to a second panel having a hole and a regulating wall, the securing clip comprising:

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a first U-shaped fitting (18) comprising a first engaging pawl (23) on an inner wall of the first U-shaped fitting capable of engaging a hole in the first panel (120); and

a second U-shaped fitting (22) comprising:

a second engaging pawl (34) on an inner wall of the second U-shaped fitting capable of engaging a hole in the second panel; and

an engagement wall (32) comprising an engaging face at an end of the engagement wall that faces an opening in the close end of the U-shape of the second U-shaped fitting (Fig 5),

wherein the first U-shaped fitting and the second U-shaped fitting form an S-shaped cross-section (Fig 4), and

a third engaging pawl on an inner wall of the second U-shaped fitting and opposing said second engaging pawl (Fig 3; Examiner considers the two portions extending downwardly from portion 26 to comprise a third engaging pawl), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 15 and 16. Bakker et al disclose the engagement wall (32) comprising a pair of engagement faces symmetrically positioned around said second engaging pawl (Fig 3).

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As to Claim 17. Bakker et al disclose the engagement face (32) being inclined with respect to an axis which is perpendicular to a longitudinal axis of said U-character shape of the second fitting portion (Fig. 3).

As to Claim 18. Bakker et al disclose a detachment grip portion (30) integrally provided on an outside wall face at the opening end of said U-character shape of the second fitting portion.

As to Claim 19. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) on an inner face.

As to Claim 21. Bakker et al disclose said second engaging pawl comprises a pair of second engaging pawls receiving said first engaging pawl between the pair of second engaging pawls (Fig 3).

As to Claim 22. Bakker et al disclose said third engaging pawl comprises a pair of third engaging pawls receiving said second engaging pawl between the pair of third engaging pawls (Fig 3).

As to Claim 23. Bakker et al disclose a securing clip for securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

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a second fitting portion having a U-character shape (22), wherein:
the securing clip being like an S-character in cross section (Fig. 4); and
each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5), and
wherein said engagement wall is provided parallel to the inner wall face of the U-character shape of the second fitting portion (Figs 4 and 5; Examiner considers the further portion to the right (as looking at claim 4) of the engagement wall to be parallel to portion 12), and
wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 24. Bakker et al disclose a securing clip for securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and
a second fitting portion having a U-character shape (22), wherein:
the securing clip being like an S-character in cross section (Fig. 4); and

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each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5),

wherein said engagement face is positioned substantially in the center between an open end and the closed end of the U-character shape of the second fitting portion (Fig 5), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claims 28. Bakker et al disclose the engagement wall (32) capable of being engaged to second panel including a regulating wall (Col 3, Lines 8-10).

Response to Arguments

Applicant's arguments filed 3/5/2007 have been fully considered but they are not persuasive.

As to the Claims, Applicant's argue:

"The top, inclined surface of the spring blade 32 does not correspond to the claimed engagement face, because the top, inclined surface is not at an end of the spring blade 32 as required by the claim language." (Page 9)

Examiner respectfully disagrees and considers the top, inclined surface to be at the top extremity of the engagement wall, hence, it is at an end of the engagement wall as is required by the claim language.

Applicant's further argue:

"The top, inclined face of the spring blade 32 does not face an opening in the closed end of a U-character shape of a second fitting portion" (Page 10)

Examiner respectfully disagrees. The engagement face is inclined outwardly away from the opening (located at the gap directly opposite the engagement wall 32 on tab 26 and continued along shoulder portion 28) in the closed end of the U-character shape of the second fitting portion in the same way that the engagement face (12a) of the instant invention faces an opening in the closed end of the U-character shape of the second

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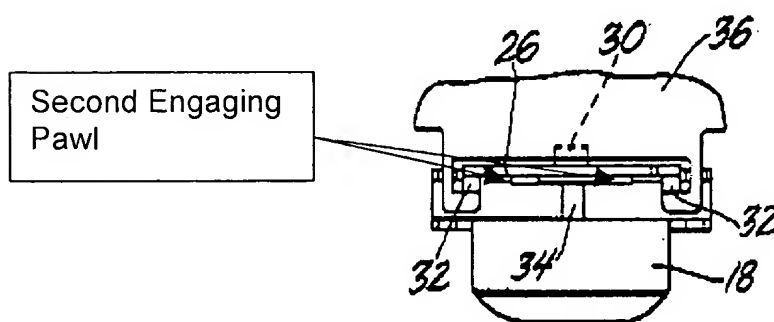
fitting portion. Applicant alleges that the gap does not correspond to such an opening, but provides no evidence in support of such an allegation. The arguments of counsel cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); In re Geisler, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997)

Applicant's further argue:

"The spring blade that is disclosed by the Bakker et al. reference corresponds to both the claimed engagement wall and the claimed second engaging pawl."
(Page 11).

Examiner respectfully disagrees and points to the Examiners figure below which particularly points out the second engaging pawl which extends downwardly from portion 26 and opposes the first engaging pawl (34).

Examiner's Figure



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is 571-272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



JTK

4/11/2007



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